IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11473 of 2003

Between:

1 M/s.Seha Medical Private Limited
Lakdi Ka Pul,Hyderabad Rep.by its Managing Director Quadir Hussain.
2 Sri Qadir Hussain S/o.Late Sri Haji Gulam Hussain
Managing Director of M/s.Seha Medicals Private Ltd aged-48years,R/o.6-2-1/A/312, Lakdi Ka Pul,Hyderabad
3 Smt.Shakeera Hussain W/o.Sri Qadir Hussain
R/o.1-837,Abids Hyderabad
4 Sri.Mohd.Basheeruddin S/o.Sri Mohd.Rasheeduddin
R/o.6-2-1, Lakdi Ka Pul Hyderabad.
5 Smt.Badurnnisa Bari W/o.Sri Ahmed Abdul Bari
R/o.6-2-1/1B-44, Lakdi Ka Pul Hyderabad.

..... PETITIONERS

AND

1 The A.P. Cooperative Tribunal
Hyderabad Rep.by its Registrar.
2 The Dy.Registrar of Cooperative Societies/Officer on Special Duty Vasavi Cooperative Urban Bank Ltd..
Malakpet Hyderabad
3 The Vasavi Cooperative Urban Bank Ltd.,
Malapet Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the proceedings/order in I.A.No.428/2003 in CTA No.120/2003, dated 6-5-2003 by the 1st respondent tribunal as illegal arbitrary and unjust by issuing the appropriate writ of mandamus, order or direction and pass such other order or orders.

Counsel for the Petitioners: MR.M.V.S.SURESH KUMAR
Counsel for the Respondent Nos. 1&2: The Govt. Pleader for Cooperation.
Counsel for the Respondent No.3: Ashok Anand Kumar

The Court made the following ORDER:

Heard both sides and at the request of both counsel, the main writ petition itself is taken up for disposal.

The petitioners herein filed this writ petition *inter alia* seeking writ of mandamus challenging the orders passed in I.A.No.428 of 2003 in CTANo.120 of 2003 dated 06.05.2003, which is pending on the file of the first respondent – A.P. Cooperative Tribunal.

Though several contentions have been raised by the counsel and having regard to the fact that the main Appeal is pending involving several questions, it is not open for this Court to go into the same.

It is submitted that this Court granted interim stay on 20.06.2003 subject to the condition of the petitioners paying a sum of Rs.1,30,000/- (Rupees one lakh thirty thousand only) within a period of three months from that day, failing which, the third respondent –Bank is at liberty to proceed against the property in question in accordance with law for realization of the amount.

Having regard to the submissions made by both the counsel and also on perusal of the record and in view of the appeal pending, the writ petition is disposed of directing the first respondent to dispose of the appeal within a period of two weeks from today. The time of three months granted by this Court on 20.06.2003 for payment of the amount is extended for a period of two weeks from today. It is clarified that if the amount is not paid by the petitioners within time of two weeks, the third respondent is at liberty to proceed against the petitioners.

The writ petition is accordingly disposed of with the above directions. No costs.

26.07.2004

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To

1 The Registrar , A.P. Cooperative Tribunal
Hyderabad.
2 The Dy. Registrar of Cooperative Societies/Officer on Special Duty Vasavi Cooperative Urban Bank Ltd..
Malakpet Hyderabad
3 Two C.Cs to G.P. for Cooperation, High Court of A.P. Buildings, Hyderabad (OUT)

4 Two CD Copies